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United States Patent & Trademark Office
Commissioner For Patents
Box 1450
Alexandria, VA 22313-1450

Re: Response to 02/05/2008
Application No. 09/940.211 "VoiceGuard My ID"

Dear Examiner:

Enclosed please find the response to the above cited Notice. I have attempted to call and speak to Examiner Sherr regarding a proper way of addressing the Claims, at least three to four times over the last two (2) weeks, without any of the calls being answered or returned.

In regard to "Claim Objections" 4, 5,, all Claims except Claim Seven (7) have been cancelled, with all the contents of Claims 8-11 being listed as parts of Claim 7. This was done because all of the information in Claims 8-11 are essential to the operation of the VoiceGuard My ID System.

As to "Claim Objections" 6, 7, 8, 9, the issues regarding the language of "method and apparatus" have been modified to "method and procedure".

As to "Claim Objections" 10, 11, 12, 13, 14, regarding "Colbert". Colbert is a totally and dramatically different system than the VoiceGuard My ID System. Colbert deals with supplying an alternate credit card number for certain credit card transactions, and at some point, when essential employs voice recognition technology, ***(18. The method of claims 13 or 14 further comprising: establishing a voice connection to a voice recognition means for recognizing the identity of a caller; and using output of the voice recognition means to identify the holder of the CDC).***

The VoiceGuard My ID System has no relation to verifying "credit card transactions" in any manner. The VoiceGuard My ID System is designed to "prevent the theft or misuse of an individuals IDENTITY" when there are attempts to obtain a new line of credit by someone other than the actual true person.

The "VoiceGuard My ID System" intends to employ an existing patented "voice recognition system" that the "VoiceGuard My ID System" intends to pay the existing patent holder an appropriate fee for. The "VoiceGuard My ID System" is not claiming an "invention" of voice recognition technology.

It respectfully submitted that the "VoiceGuard My ID System" patent application ought not be subject to being denied on the basis that they will be using and paying for the service of an existing patent holder.

Colbert does not make a Claim of a system ***"Claim Objection 11. designed to prevent the theft and misuse of a person's identity when one attempts to obtain new credit under a given name"***. Colbert simply provides an alternate credit card number so that the original credit card number cannot be seen by a vendor. It does not "prevent the theft or misuse of a person's identity" when an unauthorized individual attempts to steal or misuse a person's identity.

Nor does Colbert propose a procedure of taking and storing voice samples of individuals or of supplying a voice digitization module to capture and compare an applicant's voice to the voice of the genuine person's voice, and Colbert does nothing to prevent the "theft or misuse of a person's identity when one is seeking a "new line of credit".

At ***Claim Objection 12***, the Examiner concedes that ***"Colbert does not disclose the recording and digitization (voice) of the applicant"***. Does the Examiner assert that merely because one employs existing "voice recognition" technology of an existing patent holder of that technology that no patent can be issued that uses "voice recognition" technology? If that were so, then no patent could be obtained for even an "improvement" of a given patent.

As to ***Claim Objection 13***, it is respectfully submitted, that if Petitioner's application for the "VoiceGuard My ID System" was obvious to anyone, that a similar system would have been placed into operation. At present there are no systems available to securely prevent the theft or misuse of a person's ***"identity"***, and none that provides such a system to the public.

As to ***Claim Objection 14***, regarding Applicant's Claim 8. Erickson relates to a website dealing with the sale of ***"copyrighted electronic media in a secure electronic format"***. The "VoiceGuard My ID System" will not maintain a website to sell any type of information, copyrighted or otherwise. As spelled out in the **Specifications** (attached) the "VoiceGuard My ID System" will maintain a website for applicant's to sign up to purchase a service, a service designed to protect their identity so that no person can either steal or misuse that identity when seeking to obtain a new line of credit.

Is it the Examiner's contention that because a person has a website that sells something that it would conflict with Erickson? That would act to foreclose providing a patent to any future website holder if that were the case.

It is respectfully submitted that Erickson has no application to the "VoiceGuard My ID System" in any possible way.

Hopefully the attached documents can satisfy the Patent Office requirements.

Sincerely,


Edward Federowicz

Encl: 9 pages of text

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